

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Petitioner,

v.

BRIAN R. BRUMBAUGH, as sole member
of COMMUNITY MORTGAGE
ASSOCIATION, LLC,

Respondent.

No. MC09-5011RBL/JRC

ORDER OF REFERENCE AND
DIRECTING RESPONDENT TO SHOW
CAUSE

Upon the Petition of the United States Attorney for the above-named district, and the Exhibits attached thereto, including the declaration of investigating Revenue Officer Janelle Lourdeau, it is hereby ORDERED THAT:

1. The Petition herein is referred to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1). The Magistrate Judge shall review all pleadings, shall determine whether a hearing is required, shall schedule and preside over such hearing, and shall take such other actions as he deems necessary to accomplish the purposes of the Order. The Magistrate Judge shall thereafter submit his proposed Order, proposed Findings of Fact and Conclusions of Law, or such other documents as he deems appropriate. The originals thereof shall be filed with the Clerk, and copies provided to all parties.

2. A copy of this Order, together with the Petition and Exhibits thereto, shall be personally served upon the respondent (or left with a person of suitable age and

1 discretion at the respondent's residence) within three (3) weeks of the date of this Order.
2 Within fourteen (14) days thereafter, the petitioner shall file proof of service, or shall seek
3 additional time to make such service. If the petitioner fails to comply with this paragraph,
4 this action shall be subject to dismissal forthwith.

5 3. The respondent may file with the Court, not later than two (2) weeks after
6 service of this Order upon him, a statement detailing any objections to enforcement of the
7 Internal Revenue Service summons. When factual issues are raised, the statement shall
8 be accompanied by an affidavit, giving the facts on which the objections are based. A
9 copy of this statement and/or affidavit shall be served on the United States Attorney.

10 4. If the Magistrate Judge finds from the statement of objections and any
11 accompanying affidavit that there are no questions of material fact and that the petitioner
12 is entitled to enforcement of the summons as a matter of law, he shall recommend entry of
13 an Order Enforcing Summons without scheduling a hearing. If the statement of
14 objections and any affidavit are sufficient to raise the possibility of a valid defense to the
15 summons, the Magistrate Judge shall schedule a hearing to consider the objections.

16 5. Failure to file a timely statement of objections will result in enforcement of
17 the summons without any further pleadings. Only those defenses asserted in the
18 statement of objections will be considered.

19 6. The Clerk shall forward copies of the Order to the above-named Magistrate
20 Judge and the United States Attorney.

21 DATED this 8th day of June, 2009.

22
23 
24 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

25 Presented by:

26 /s/ Rebecca S. Cohen
27 REBECCA S. COHEN, WSBA # 31767
28 Assistant United States Attorney